

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 29

SENATE BILL 1080

AN ACT

AMENDING SECTIONS 32-2061, 32-2062, 32-2063, 32-2066, 32-2067, 32-2071, 32-2071.01, 32-2073, 32-2074, 32-2075 AND 32-2081, ARIZONA REVISED STATUTES; REPEALING SECTION 32-2072, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 19.1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-2072; RELATING TO THE BOARD OF PSYCHOLOGIST EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2061, Arizona Revised Statutes, is amended to
3 read:

4 32-2061. Definitions; court ordered evaluations

5 A. In this chapter, unless the context otherwise requires:

6 1. "Active license" means a valid and existing license to practice
7 psychology.

8 2. "Adequate records" means records containing, at a minimum,
9 sufficient information to identify the client, the dates of service, the fee
10 for service, the payments for service, the type of service given and copies
11 of any reports that may have been made.

12 3. "Board" means the state board of psychologist examiners.

13 4. "Client" means a person or an entity that receives psychological
14 services. A corporate entity, a governmental entity or any other
15 organization may be a client if there is a professional contract to provide
16 services or benefits primarily to an organization rather than to an
17 individual. If an individual has a legal guardian, the legal guardian is the
18 client for decision-making purposes, except that the individual receiving
19 services is the client for:

20 (a) Issues that directly affect the physical or emotional safety of
21 the individual, such as sexual or other exploitative relationships.

22 (b) Issues that the guardian agrees to specifically reserve to the
23 individual.

24 5. "Exploit" means actions by a psychologist who takes undue advantage
25 of the professional association with a client, student or supervisee for the
26 advantage or profit of the psychologist.

27 6. "Health care institution" means a facility as defined in section
28 36-401, a person who is authorized to transact disability insurance pursuant
29 to title 20, chapter 6, article 4 or 5 or a person who is issued a
30 certificate of authority pursuant to title 20, chapter 4, article 9.

31 7. "Letter of concern" means an advisory letter to notify a
32 psychologist that while there is insufficient evidence to support
33 disciplinary action the board believes the psychologist should modify or
34 eliminate certain practices and that continuation of the activities that led
35 to the information being submitted to the board may result in action against
36 the psychologist's license.

37 8. "Practice of psychology" means the psychological assessment,
38 diagnosis, treatment or correction of mental, emotional, behavioral or
39 psychological abilities, illnesses or disorders or purporting or attempting
40 to do this consistent with section 32-2076.

41 9. "Psychological service" means all actions of the psychologist in
42 the practice of psychology.

43 10. "Psychologically incompetent" means a person lacking in sufficient
44 psychological knowledge or skills to a degree likely to endanger the health
45 of clients.

1 11. "Psychologist" means a natural person holding a license to practice
2 psychology pursuant to this chapter.

3 12. "Supervisee" means any person who functions under the extended
4 authority of the psychologist to provide, or while in training to provide,
5 psychological services.

6 13. "Unprofessional conduct" includes the following activities whether
7 occurring in this state or elsewhere:

8 (a) Obtaining a fee by fraud or misrepresentation.

9 (b) Betraying professional confidences.

10 (c) Making ~~use of~~ OR USING statements of a character tending to
11 deceive or mislead.

12 (d) Aiding or abetting a person who is not licensed pursuant to this
13 chapter in representing that person as a psychologist.

14 (e) Gross negligence in the practice of a psychologist.

15 (f) Sexual intimacies or sexual intercourse with a current client or a
16 supervisee or with a former client within two years after the cessation or
17 termination of treatment. For the purposes of this subdivision, "sexual
18 intercourse" has the same meaning prescribed in section 13-1401.

19 (g) Engaging or offering to engage as a psychologist in activities not
20 congruent with the psychologist's professional education, training and
21 experience.

22 (h) Failing or refusing to maintain and retain adequate business,
23 financial or professional records pertaining to the psychological services
24 provided to a client.

25 (i) Commission of a felony, whether or not involving moral turpitude,
26 or a misdemeanor involving moral turpitude. In either case, conviction by a
27 court of competent jurisdiction or a plea of no contest is conclusive
28 evidence of the commission.

29 (j) Making a fraudulent or untrue statement to the board or its
30 investigators, staff or consultants.

31 (k) Violating any federal or state laws or rules that relate to the
32 practice of psychology or to obtaining a license to practice psychology.

33 (l) Practicing psychology while impaired or incapacitated to the
34 extent and in a manner that jeopardizes the welfare of the client or renders
35 the psychological services provided ineffective.

36 (m) Using fraud, misrepresentation or deception ~~in assisting another~~
37 ~~person~~ to obtain or attempt to obtain a psychology license or to pass or
38 attempt to pass a psychology licensing examination OR IN ASSISTING ANOTHER
39 PERSON TO DO SO.

40 (n) Unprofessional conduct in another jurisdiction that resulted in
41 censure, probation or a civil penalty or in the denial, suspension,
42 restriction or revocation of a certificate or license to practice as a
43 psychologist.

1 (o) Providing services that are unnecessary or unsafe or otherwise
2 engaging in activities as a psychologist that are unprofessional by current
3 standards of practice.

4 (p) Falsely or fraudulently claiming to have performed a professional
5 service, charging for a service, or representing a service as the licensee's
6 own when the licensee has not rendered the service or assumed supervisory
7 responsibility for the service.

8 (q) Representing activities or services as being performed under the
9 licensee's supervision if the psychologist has not assumed responsibility for
10 them and has not exercised control, oversight and review.

11 (r) Failing to obtain a client's informed and written consent to
12 release personal or otherwise confidential information to another party
13 unless the release is otherwise authorized by law.

14 (s) Failing to make client records in the psychologist's possession
15 promptly available to another psychologist licensed pursuant to this chapter
16 on receipt of proper authorization to do so from the client, a minor client's
17 parent, the client's legal guardian or the client's authorized representative
18 or failing to comply with title 12, chapter 13, article 7.1.

19 (t) Failing to take reasonable steps to inform or protect a client's
20 intended victim and inform the proper law enforcement officials in
21 circumstances where the psychologist becomes aware during the course of
22 providing or supervising psychological services that a client intends or
23 plans to inflict serious bodily harm to another person.

24 (u) Failing to take reasonable steps to protect a client in
25 circumstances where the psychologist becomes aware during the course of
26 providing or supervising psychological services that a client intends or
27 plans to inflict serious bodily harm to himself SELF.

28 (v) Abandoning or neglecting a client in need of immediate care
29 without making suitable arrangements for continuation of the care.

30 (w) Engaging in direct or indirect personal solicitation of clients
31 through the use of coercion, duress, undue influence, compulsion or
32 intimidation practices.

33 (x) Engaging in false, deceptive or misleading advertising.

34 (y) Exploiting a client, student or supervisee.

35 (z) Failing to report information to the board regarding a possible
36 act of unprofessional conduct committed by another psychologist licensed
37 pursuant to this chapter unless this reporting violates the psychologist's
38 confidential relationship with the client pursuant to section 32-2085. Any
39 psychologist who reports or provides information to the board in good faith
40 is not subject to an action for civil damages.

41 (aa) Violating a formal board order, consent agreement, term of
42 probation or stipulated agreement issued under this chapter.

43 (bb) Failing to furnish information in a timely manner to the board or
44 its investigators or representatives if requested OR SUBPOENAED by the board
45 as prescribed by this chapter.

1 (cc) Failing to make available to a client or to the client's
2 designated representative, on written request, a copy of the client's record,
3 excluding raw test data, psychometric testing materials and other information
4 as provided by law.

5 (dd) VIOLATING AN ETHICAL STANDARD ADOPTED BY THE BOARD.

6 B. A complaint against a psychologist arising out of a judicially
7 ordered evaluation of a person charged with violating any provision of title
8 13, chapter 14 shall not be deemed by the board to present a charge of
9 unprofessional conduct unless the court ordering the evaluation has found a
10 substantial basis to refer the complaint for consideration by the board.

11 Sec. 2. Section 32-2062, Arizona Revised Statutes, is amended to read:

12 32-2062. Board; qualifications; appointments; terms;
13 compensation; immunity

14 A. The state board of psychologist examiners is established consisting
15 of nine members appointed by the governor pursuant to section 38-211.

16 B. Each member of the board shall be a citizen of the United States
17 and a resident of this state at the time of appointment. Six members shall
18 be licensed pursuant to this chapter, and three shall be public members who
19 are not eligible for licensure. The board shall have at all times, except
20 for the period when a vacancy exists, at least two members who are licensed
21 as psychologists and who are full-time faculty members from the state
22 universities IN THIS STATE WITH A DOCTORAL PROGRAM IN PSYCHOLOGY THAT MEETS
23 THE REQUIREMENTS OF SECTION 32-2071 and at least three members who are
24 psychologists in professional practice. The public members shall not have a
25 substantial financial interest in the health care industry and shall not have
26 a household member who is eligible for licensure under this chapter.

27 C. Each member shall serve for a term of five years beginning and
28 ending on the third Monday in January.

29 D. A vacancy on the board occurring other than by the expiration of
30 term shall be filled by appointment by the governor for the unexpired term as
31 provided in subsection C of this section. The governor, after a hearing, may
32 remove any member of the board for misconduct, incompetency or neglect of
33 duty.

34 E. Board members shall receive compensation in the amount of one
35 hundred dollars for each cumulative eight hours of actual service in the
36 business of the board and reimbursement of all expenses pursuant to title 38,
37 chapter 4, article 2.

38 F. Members of the board and its employees, consultants and test
39 examiners are personally immune from suit with respect to all acts done and
40 actions taken in good faith and in furtherance of the purposes of this
41 chapter.

42 Sec. 3. Section 32-2063, Arizona Revised Statutes, is amended to read:

43 32-2063. Powers and duties

44 A. The board shall:

45 1. Administer and enforce this chapter and board rules.

1 2. Regulate disciplinary actions, the granting, denial, revocation,
2 renewal and suspension of licenses and the rehabilitation of licensees
3 pursuant to this chapter and board rules.

4 3. Prescribe the forms, content and manner of application for
5 licensure and renewal of licensure and set deadlines for the receipt of
6 materials required by the board.

7 4. Keep a record of all licensees, board actions taken on all
8 applicants and licensees and the receipt and disbursal of monies.

9 5. Adopt an official seal for attestation of licenses and other
10 official papers and documents.

11 6. Investigate charges of violations of this chapter and board rules
12 and orders.

13 7. Employ an executive director who serves at the pleasure of the
14 board.

15 8. Annually elect from among its membership a chairman, a
16 vice-chairman and a secretary, who serve at the pleasure of the board.

17 9. Adopt rules pursuant to title 41, chapter 6 to carry out this
18 chapter and to define unprofessional conduct.

19 10. Engage in a full exchange of information with other regulatory
20 boards and psychological associations, national psychology organizations and
21 the Arizona psychological association and its components.

22 11. BY RULE, ADOPT A CODE OF ETHICS RELATING TO THE PRACTICE OF
23 PSYCHOLOGY. THE BOARD SHALL BASE THIS CODE ON THE CODE OF ETHICS ADOPTED AND
24 PUBLISHED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION. THE BOARD SHALL APPLY
25 THE CODE TO ALL BOARD ENFORCEMENT POLICIES AND DISCIPLINARY CASE EVALUATIONS
26 AND DEVELOPMENT OF LICENSING EXAMINATIONS.

27 B. The board may employ permanent or temporary personnel it deems
28 necessary to carry out this chapter. The board, in investigating violations
29 of this chapter, may employ investigators who may be psychologists. The
30 board or its executive director may take and hear evidence, administer oaths
31 and affirmations and compel by subpoena the attendance of witnesses and the
32 production of books, papers, records, documents and other information
33 relating to the investigation or hearing.

34 C. Compensation for all personnel shall be determined pursuant to
35 section 38-611.

36 Sec. 4. Section 32-2066, Arizona Revised Statutes, is amended to read:
37 32-2066. Directory; change of address; costs; civil penalty

38 A. The board shall ~~biennially~~ compile and publish ON ITS WEB SITE a
39 directory containing:

40 1. The names and addresses of the officers and members of the board.

41 2. The names and addresses of all licensees.

42 3. The current board rules.

43 4. A copy of this chapter.

1 5. Additional information the board deems of interest and importance
2 to licensees.

3 B. A licensee shall inform the board in writing of the licensee's
4 current residence address, office address and telephone number within thirty
5 days of each change in this information. The board may assess the costs
6 incurred by the board in locating a licensee and may assess a civil penalty
7 of not more than one hundred dollars against a licensee who fails to notify
8 the board within thirty days from the date of any change of information
9 required to be reported under this subsection.

10 ~~C. The board shall give a copy of the directory free of charge to each~~
11 ~~licensee. The board shall make additional copies available at a price~~
12 ~~determined by the board not to exceed the cost of reproduction and handling.~~

13 Sec. 5. Section 32-2067, Arizona Revised Statutes, is amended to read:

14 32-2067. Fees

15 A. The board, by a formal vote at its annual fall meeting, shall
16 establish fees and penalties that do not exceed:

17 1. Four hundred dollars for an application for an active license to
18 practice psychology.

19 2. Two hundred dollars for an application for a temporary license to
20 practice psychology.

21 3. Two hundred fifty dollars for reapplication for an active license.

22 4. Five hundred dollars for issuing an initial license. The board
23 shall prorate this fee pursuant to subsection D of this section.

24 5. Fifty dollars for a duplicate license.

25 6. Five hundred dollars for biennial renewal of an active license.

26 7. Eighty-five dollars for biennial renewal of an inactive license.

27 8. Three hundred dollars for the reinstatement of an active or
28 inactive license.

29 ~~9. Five hundred fifty dollars for the national written examination.~~

30 ~~10.~~ 9. Three hundred fifty dollars for any additional examination.

31 ~~11.~~ 10. Two hundred fifty dollars for delinquent compliance with
32 continuing education requirements.

33 ~~12.~~ 11. Five dollars for the sale of a duplicate renewal receipt.

34 ~~13.~~ 12. Five dollars for the sale of a copy of the board's statutes
35 and rules.

36 ~~14.~~ 13. Two dollars for verification of a license.

37 ~~15.~~ 14. Ten dollars for the sale of each audiotape of board meetings.

38 ~~16.~~ 15. Five cents per name for the sale of computerized discs that
39 contain the name of each licensee.

40 ~~17.~~ 16. Twenty-five cents per name for the sale of computerized discs
41 that contain the name and address of each licensee.

42 ~~18.~~ 17. Thirty cents per name for the sale of computerized discs that
43 contain licensee mailing labels.

1 ~~19-~~ 17. Thirty-five cents per name for the sale of customized
2 computerized discs THAT CONTAIN ADDITIONAL LICENSEE INFORMATION THAT IS NOT
3 REQUIRED BY LAW TO REMAIN CONFIDENTIAL.

4 ~~20-~~ 18. Twenty-five cents per page for copying records, documents,
5 letters, minutes, applications, files and policy statements. This fee
6 includes postage.

7 B. The board may charge additional fees for services the board deems
8 necessary and appropriate to carry out ~~the provisions of~~ this chapter. These
9 fees shall not exceed the actual cost of providing the service.

10 C. The board shall not refund fees except as provided in section
11 32-2073, subsection E. On special request and for good cause the board may
12 return the license renewal fee.

13 D. The board shall prorate the fee for issuing an initial license by
14 dividing the biennial renewal fee by twenty-four and multiplying that amount
15 by the number of months that remain until the next biennial renewal date.

16 Sec. 6. Section 32-2071, Arizona Revised Statutes, is amended to read:

17 32-2071. Qualifications of applicant; education; training

18 A. An applicant for licensure shall have a doctoral degree from an
19 institution of higher education in clinical or counseling psychology, school
20 or educational psychology or any other subject area in applied psychology
21 acceptable to the board and shall have completed a doctoral program in
22 psychology from an educational institution that has:

23 1. Been accredited by one of the following regional accrediting
24 agencies at the time of the applicant's graduation:

- 25 (a) The New England association of schools and colleges.
- 26 (b) The middle states association of colleges and schools.
- 27 (c) The north central association of colleges and schools.
- 28 (d) The northwest association of schools and colleges.
- 29 (e) The southern association of colleges and schools.
- 30 (f) The western association of schools and colleges.

31 2. A program that is identified and labeled as a psychology program
32 and that stands as a recognized, coherent organizational entity within the
33 institution with clearly identified entry and exit criteria for graduate
34 students in the program.

35 3. An identifiable psychology faculty in the area of health service
36 delivery and a psychologist responsible for the program.

37 4. A core program that requires each student to demonstrate competence
38 by passing suitable comprehensive examinations or by successfully completing
39 at least three or more graduate semester hours or the equivalent quarter
40 hours or by other suitable means in the following content areas:

- 41 (a) Scientific and professional ethics and standards in psychology.
- 42 (b) Research, which may include design, methodology, statistics and
43 psychometrics.

1 (c) The biological basis of behavior, which may include physiological
2 psychology, comparative psychology, neuropsychology, sensation and perception
3 and psychopharmacology.

4 (d) The cognitive-affective basis of behavior, which may include
5 learning, thinking, motivation and emotion.

6 (e) The social basis of behavior, which may include social psychology,
7 group processes and organizational and systems theory.

8 (f) Individual differences, which may include personality theory,
9 human development and abnormal psychology.

10 (g) Assessment, which includes instruction in interviewing and the
11 administration, scoring and interpretation of psychological test batteries
12 for the diagnosis of cognitive abilities and personality functioning.

13 (h) Treatment modalities, which include instruction in the theory and
14 application of a diverse range of psychological interventions for the
15 treatment of mental, emotional, psychological and behavioral disorders.

16 5. A psychology program that leads to a doctoral degree requiring at
17 least the equivalent of three full-time academic years of graduate study, two
18 years of which are at the institution from which the doctoral degree is
19 granted.

20 6. A requirement that the student must successfully defend a
21 dissertation, the content of which is primarily psychological, or an
22 equivalent project acceptable to the board.

23 7. Official transcripts that have been prepared solely by the
24 institution and not by the student and, except for manifest clerical errors
25 or grade changes, have not been altered by the institution after the
26 student's graduation.

27 8. Given the student credit only for course work listed on its
28 official transcripts and that is obtained only at regionally accredited
29 educational institutions as listed in paragraph 1 of this subsection and does
30 not give credit for continuing education experiences or courses.

31 B. If the institution is located outside the United States, the
32 applicant shall demonstrate that the program meets the requirements of
33 subsection A, paragraphs 2 through 7 and subsections C through J- K.

34 C. The applicant shall complete relevant didactic courses of the
35 program required under subsection A, paragraph 5 before starting the
36 internship or training program. An applicant shall have completed a minimum
37 of three thousand hours of supervised professional experience as prescribed
38 pursuant to subsections D and E.

39 D. The first one thousand five hundred hours of supervised
40 professional experience, which shall not include predoctoral experiences in
41 clerkships or practicums, shall be either an internship that is approved by
42 the American psychological association committee on accreditation, an
43 internship that is a member of the association of psychology postdoctoral and
44 internship centers or an organized training program that is designed to
45 provide the trainee with a planned, programmed sequence of training

1 experience, the focus and purpose of which are to assure breadth and quality
2 of training, and that meets the following requirements:

3 1. The training program has a clearly designated staff psychologist
4 who is responsible for the integrity and quality of the training and who is
5 licensed or certified ~~by the state board of psychologist examiners in the~~
6 ~~state~~ TO PRACTICE PSYCHOLOGY AT THE INDEPENDENT LEVEL BY ANY LICENSING
7 JURISDICTION OF THE UNITED STATES OR CANADA in which the program exists.

8 2. The training program provides at least two psychologists on staff
9 as supervisors, at least one of whom is licensed or certified as a
10 psychologist by the state board of psychologist examiners in the state in
11 which the program exists and at least one of whom is directly available to
12 the trainee in case of emergency.

13 3. Supervision is provided by the person who carries clinical
14 responsibility for the cases being supervised. At least half of the training
15 supervision shall be provided by one or more psychologists.

16 4. Training includes a range of assessment, consultation and treatment
17 activities conducted directly with clients.

18 5. A minimum of twenty-five per cent of a trainee's time is in direct
19 client contact.

20 6. Training includes REGULAR FACE-TO-FACE, INDIVIDUAL SUPERVISION
21 CONDUCTED ON A CONTEMPORANEOUS BASIS, WITH a minimum of one hour of
22 face-to-face, individual supervision for each twenty hours of experience AND
23 with the specific intent of dealing with psychological services rendered
24 directly by the trainee and at least two additional hours per week in other
25 learning activities.

26 7. The training program includes interaction with other psychology
27 trainees.

28 8. Trainees have a title that designates their trainee status.

29 9. The training organization has a written statement that describes
30 the goals and content of the training and states clear expectations for the
31 quality and quantity of a trainee's work.

32 10. The initial training experience, which may be predoctoral, may be
33 for a minimum of one thousand five hundred hours that shall be completed
34 within twenty-four consecutive months.

35 E. The second one thousand five hundred hours of supervised
36 professional experience shall be postdoctoral and MAY START ON WRITTEN
37 CERTIFICATION BY THE APPLICANT'S EDUCATION PROGRAM THAT THE APPLICANT HAS
38 SATISFIED ALL REQUIREMENTS FOR THE DOCTORAL DEGREE AND ON WRITTEN
39 CERTIFICATION THAT THE APPLICANT HAS COMPLETED AN APPROPRIATE TRAINING
40 PROGRAM AS REQUIRED IN SUBSECTION D. THE SECOND ONE THOUSAND FIVE HUNDRED
41 HOURS OF SUPERVISED PROFESSIONAL EXPERIENCE shall meet the following
42 requirements:

43 ~~1. The training experience may start on written certification by the~~
44 ~~applicant's educational program that the applicant has satisfied all~~
45 ~~requirements for the doctoral degree and on written certification that the~~

1 ~~applicant has completed an appropriate training program as required in~~
2 ~~subsection D.~~

3 ~~2.~~ 1. Supervision is conducted by a psychologist who is licensed or
4 ~~certified by the state board of psychologist examiners in the state TO~~
5 PRACTICE PSYCHOLOGY AT THE INDEPENDENT LEVEL IN ANY LICENSING JURISDICTION OF
6 THE UNITED STATES OR CANADA in which the supervision occurs or by a
7 psychologist who is on full-time active duty in the United States armed
8 services and who is licensed or certified by a board of psychologist
9 examiners in a United States jurisdiction, who has been licensed or certified
10 for at least two years and who is competent in the areas of functioning of
11 the applicant.

12 ~~3.~~ 2. The supervisor takes full legal responsibility for the welfare
13 of the client as well as the diagnosis, intervention and outcome of the
14 intervention and takes reasonable steps to ensure that clients are informed
15 of the supervisee's training and status and that clients may meet with the
16 supervisor at the client's request.

17 ~~4.~~ 3. The supervisor is responsible for ensuring that adequate
18 records of client contacts are maintained and that the client is informed
19 that the source of access to this information in the future is the
20 supervisor.

21 ~~5.~~ 4. The supervisor is fully available for consultation in the event
22 of an emergency and provides emergency consultation coverage for the
23 supervisee.

24 ~~6.~~ 5. REGULAR FACE-TO-FACE, INDIVIDUAL supervision is conducted ON A
25 CONTEMPORANEOUS BASIS, with a minimum of one hour of face-to-face, individual
26 supervision for each twenty hours of experience. At least six hundred hours
27 of the supervisee's time shall be in direct contact with clients.

28 ~~7.~~ 6. The training experience is for a minimum of one thousand five
29 hundred hours and is completed within thirty-six consecutive months.

30 F. In meeting the work experience requirements of this section, an
31 applicant shall not receive credit for more than forty hours of experience
32 per week.

33 G. AN APPLICANT WHO DOES NOT SATISFY THE INTERNSHIP EXPERIENCE
34 REQUIREMENTS OF SUBSECTION D MAY QUALIFY ON DEMONSTRATION OF TWENTY YEARS'
35 LICENSED OR CERTIFIED PRACTICE AS A PSYCHOLOGIST IN A JURISDICTION OF THE
36 UNITED STATES OR CANADA.

37 ~~6.~~ H. An applicant who does not satisfy the postdoctoral experience
38 requirements of subsection E may qualify on demonstration of ten years'
39 licensed or certified practice as a psychologist in a jurisdiction of the
40 United States or Canada.

41 ~~4.~~ I. The applicant shall complete a residency at the institution
42 that awarded the applicant's doctoral degree. The residency shall require
43 the following:

44 1. The student's active participation and involvement in learning.

2. Direct regular contact with faculty and other matriculated doctoral students.

3. Twenty-four semester hours taken on a full-time or part-time basis at the institution or a minimum of three hundred hours of student-faculty contact that involves face-to-face educational meetings conducted by the institution's psychology faculty and fully documented by the institution and the student. These meetings shall include interaction between the student and faculty and the student and other students and shall relate to the program content areas specified in subsection A, paragraph 4. These meetings shall be in addition to the practicum, clerkship or externship supervision hours or dissertation hours. On request by the applicant or the board, the institution shall provide documentation showing how the applicant's performance was assessed and documented.

4- J. To determine if an applicant satisfies the requirements of subsection A relating to subject areas in applied psychology, the board may require the applicant to complete a respecialization program in a program or professional school of psychology that has either an established American psychological association accredited doctoral program in clinical or counseling psychology,— OR school or educational psychology or an established doctoral program that meets board rules. The applicant must also:

1. Meet all of the requirements of the new respecialization area. The board shall give the applicant credit for course work that the applicant has previously successfully completed and that meets the requirements of subsection A, paragraph 4.

2. Complete one thousand five hundred hours of supervised professional experience as prescribed in subsection D.

3. Present a certificate or letter from the department head, training director or dean that verifies that the applicant completed the program and that identifies the specialty area of applied psychology the applicant completed.

3. K. For the purposes of subsection A, paragraph 4, "other suitable means" means that an applicant demonstrates competence by being a diplomate of the American board of professional psychology or, if an applicant fails to demonstrate completion of course work in two content areas prescribed in subsection A, paragraph 4, the applicant has fulfilled the two deficient requirements by successfully passing a course in each deficient content area as a nonmatriculated student in a doctoral level psychology program at a university that is accredited pursuant to subsection A, paragraph 1.

Sec. 7. Section 32-2071.01, Arizona Revised Statutes, is amended to read:

32-2071.01. Requirements for licensure; remediation;
credentials

A. An applicant for licensure shall demonstrate to the board's satisfaction that the applicant:

1 1. Has met the education and training qualifications for licensure
2 prescribed in section 32-2071 or subsection B of this section.

3 2. Has passed any examination or examinations required by section
4 32-2072.

5 3. Has a professional record that indicates that the applicant has not
6 committed any act or engaged in any conduct that constitutes grounds for
7 disciplinary action against a licensee pursuant to this chapter.

8 4. Has not had a license or a certificate to practice psychology
9 refused, revoked, suspended or restricted by a state, territory, district or
10 country for reasons that relate to unprofessional conduct.

11 5. Has not voluntarily surrendered a license in another regulatory
12 jurisdiction in the United States or Canada while under investigation for
13 conduct that relates to unprofessional conduct.

14 6. Does not have a complaint, allegation or investigation pending
15 before another regulatory jurisdiction in the United States or Canada that
16 relates to unprofessional conduct.

17 B. An applicant for licensure who is licensed to practice psychology
18 at the independent level in another licensing jurisdiction of the United
19 States or Canada meets the requirements of subsection A, paragraph 1 of this
20 section if the applicant meets any of the following requirements:

21 1. Holds a certificate of professional qualification IN PSYCHOLOGY in
22 good standing issued by the association of state and provincial psychology
23 boards or its successor.

24 2. Is currently credentialed by the national register of health
25 service providers in psychology or its successor and submits evidence of
26 having practiced psychology independently at the doctoral level for a minimum
27 of five years.

28 3. Is a diplomate of the American board of professional psychology.

29 Sec. 8. Repeal

30 Section 32-2072, Arizona Revised Statutes, is repealed.

31 Sec. 9. Title 32, chapter 19.1, article 2, Arizona Revised Statutes,
32 is amended by adding a new section 32-2072, to read:

33 32-2072. Examinations; exemptions

34 A. AN APPLICANT FOR LICENSURE MUST PASS THE EXAMINATION FOR
35 PROFESSIONAL PRACTICE IN PSYCHOLOGY, WHICH IS THE NATIONAL EXAMINATION
36 ESTABLISHED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS. AN
37 APPLICANT IS CONSIDERED TO HAVE PASSED THE NATIONAL EXAMINATION IF THE
38 APPLICANT'S SCORE EQUALS OR EXCEEDS EITHER:

39 1. SEVENTY PER CENT ON THE WRITTEN EXAMINATION.

40 2. A SCALED SCORE OF FIVE HUNDRED ON THE COMPUTER-BASED EXAMINATION.

41 B. THE BOARD MAY IMPLEMENT AN ADDITIONAL EXAMINATION FOR ALL
42 APPLICANTS TO COVER AREAS OF PROFESSIONAL ETHICS AND PRACTICE CONSISTENT WITH
43 THE APPLICANT'S EDUCATION AND EXPERIENCE, STATE LAW RELATING TO THE PRACTICE
44 OF PSYCHOLOGY OR OTHER AREAS THE BOARD DETERMINES ARE SUITABLE.

1 C. AN APPLICANT MAY NOT TAKE AN EXAMINATION ADMINISTERED FOR OR BY THE
2 BOARD UNTIL THE APPLICANT COMPLETES THE EDUCATION REQUIREMENTS OF THIS
3 ARTICLE. THE BOARD MAY APPROVE AN APPLICANT WHO HAS OBTAINED A DOCTORAL
4 DEGREE IN PSYCHOLOGY AS REQUIRED UNDER SECTION 32-2071 TO TAKE THE NATIONAL
5 EXAMINATION BEFORE COMPLETING THE EXPERIENCE REQUIREMENTS OF THIS ARTICLE.
6 EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, AN APPLICANT MAY NOT TAKE
7 AN ADDITIONAL BOARD EXAMINATION UNTIL THE APPLICANT PASSES THE NATIONAL
8 EXAMINATION. AN APPLICANT WHO FAILS THE NATIONAL EXAMINATION ADMINISTERED
9 FOR OR BY ANY JURISDICTION THREE TIMES IS NOT ELIGIBLE TO TAKE THAT
10 EXAMINATION AGAIN UNTIL THE APPLICANT MEETS ADDITIONAL REQUIREMENTS
11 PRESCRIBED BY THE BOARD.

12 D. AN APPLICANT IS EXEMPT FROM TAKING THE NATIONAL EXAMINATION
13 ADMINISTERED PURSUANT TO THIS SECTION IF THE APPLICANT EITHER:

- 14 1. IS A DIPLOMATE OF THE AMERICAN BOARD OF PROFESSIONAL PSYCHOLOGY.
15 2. HOLDS A CERTIFICATE OF PROFESSIONAL QUALIFICATION IN PSYCHOLOGY IN
16 GOOD STANDING ISSUED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY
17 BOARDS OR ITS SUCCESSOR.

18 Sec. 10. Section 32-2073, Arizona Revised Statutes, is amended to
19 read:

20 32-2073. Temporary licenses; inactive status; reinstatement to
21 active status

22 A. If the board requires an additional examination it may issue a
23 temporary license to a psychologist licensed or certified under the laws of
24 another jurisdiction, if the psychologist applies to the board for
25 licensure and meets the educational, experience and first examination
26 requirements of this article.

27 B. A temporary license issued pursuant to this section is effective
28 from the date that the application is approved until the last day of the
29 month in which the applicant receives the results of the additional
30 examination as provided in section 32-2072.

31 C. A temporary license shall not be extended, renewed, reissued or
32 allowed to continue in effect beyond the period authorized by this section.

33 D. Denial of an application for licensure terminates a temporary
34 license.

35 E. The board may place on inactive status and waive the license
36 renewal fee requirements for a person who is temporarily or permanently
37 unable to practice as a psychologist due to physical or mental incapacity or
38 disability. An initial request for the waiver of renewal fees shall be
39 accompanied by the renewal fee for an active license, which the board shall
40 return if the waiver is granted. The board shall judge each request for the
41 waiver of renewal fees on its own merits and may seek the verification it
42 deems necessary to substantiate the facts of the situation. ~~The board may~~
43 ~~also place on inactive status a person who is retired from practicing as a~~
44 ~~psychologist. A psychologist who is on inactive status because of retirement~~
45 RETIRED is exempt from paying the renewal fee. A psychologist may request

1 voluntary inactive status by submitting to the board an application on a form
2 prescribed by the board and an affirmation that the psychologist shall not
3 practice as a psychologist in this state for the duration of the voluntary
4 inactive status and paying the required fee.

5 F. A psychologist who is on any form of inactive status shall renew
6 the inactive status every two years by submitting a renewal form provided by
7 the board and paying any applicable fee. A notice to renew is fully
8 effective by mailing the renewal application to the licensee's last known
9 address of record in the board's file. Notice is complete at the time of its
10 deposit in the mail. A psychologist on inactive status due to physical or
11 mental incapacity or disability or retirement shall ~~describe himself as~~ USE
12 THE TERM inactive ~~or retired~~ TO DESCRIBE THE PERSON'S STATUS and shall not
13 practice as a psychologist.

14 G. A psychologist on inactive status may request reinstatement of the
15 license to active status by applying to the board. The board shall determine
16 whether the person has been or is in violation of any provisions of this
17 chapter and whether the person has maintained and updated the person's
18 professional knowledge and capability to practice as a psychologist. The
19 board may require the person to take or retake the licensure examinations and
20 may require other knowledge or skill training experiences. If approved for
21 active status, the person shall pay a renewal fee that equals the renewal fee
22 for the license to be reinstated.

23 Sec. 11. Section 32-2074, Arizona Revised Statutes, is amended to
24 read:

25 32-2074. Active license; issuance; renewal; expiration;
26 continuing education

27 A. If the applicant satisfies all of the requirements for licensure
28 pursuant to this chapter, the board shall issue an active license and shall
29 prorate the fee for issuing that license for the period remaining until May 1
30 of the next odd-numbered year.

31 B. A person holding an active or an inactive license shall apply to
32 renew the license before May 1 of each odd-numbered year. The application
33 shall include any applicable renewal fee. A license expires if the licensee
34 fails to renew the license before May 1 of that year. A licensee may ~~renew~~
35 REINSTATE an expired license by paying a reinstatement fee before July 1 of
36 that year. From July 1 of that year until May 1 of the next year, a licensee
37 may reinstate the license by paying a reinstatement fee and providing proof
38 of competency and qualifications to the board. This proof may include
39 continuing education, an oral examination, a written examination or an
40 interview with the board. A licensee whose license is not reinstated ~~and~~
41 ~~renewed~~ by May 1 of the next even-numbered year may reapply for licensure as
42 prescribed by this chapter. A notice to renew is fully effective by mailing
43 the renewal application to the licensee's last known address of record in the
44 board's file. Notice is complete at the time of deposit in the mail.

1 C. A person renewing a license shall attach to the completed renewal
2 form a report of disciplinary actions or restrictions placed against the
3 license by another state licensing or disciplinary board or disciplinary
4 actions or sanctions imposed by a state or national psychology ethics
5 committee or health care institution. The report shall include the name and
6 address of the sanctioning agency or health care institution, the nature of
7 the action taken and a general statement of the charges leading to the
8 action.

9 D. A person who renews an active license to practice psychology in
10 this state shall satisfy a continuing education requirement designed to
11 provide the necessary understanding of current developments, skills,
12 procedures or treatment related to the practice of psychology in the amount
13 and during the period the board prescribes. The board shall prescribe
14 documentation requirements.

15 Sec. 12. Section 32-2075, Arizona Revised Statutes, is amended to
16 read:

17 32-2075. Exemptions from licensure

18 A. This chapter does not limit the activities, services and use of a
19 title by the following:

20 1. A school psychologist ~~or psychometrist~~ employed in a common SCHOOL,
21 ~~or~~ high SCHOOL OR CHARTER school setting and certified to use that title by
22 the department of education if the services or activities are a part of the
23 duties of that person's common SCHOOL, ~~or~~ high SCHOOL OR CHARTER school
24 employment.

25 2. An employee of a government agency in a subdoctorate position who
26 uses the word "assistant" or "associate" after the title and is supervised by
27 a doctorate position employee who is licensed as a psychologist, including a
28 temporary licensee.

29 3. A student of psychology pursuing an official course of graduate
30 study at an educational institution accredited as provided in section
31 32-2071, if after the title the word "trainee", "intern" or "extern" appears
32 and the student uses the title only in conjunction with activities and
33 services that are a part of the supervised program.

34 4. A person who resides outside of this state and who is currently
35 licensed or certified as a psychologist in that state if the activities and
36 services conducted in this state are within the psychologist's customary area
37 of practice, do not exceed twenty days per year and are not otherwise in
38 violation of this chapter and the client, public or consumer is informed of
39 the limited nature of these activities and services and that the psychologist
40 is not licensed in this state.

41 5. A person in the employ of Arizona state university, northern
42 Arizona university or the university of Arizona if the services are a part of
43 the faculty duties of that person's salaried position, the person has
44 received a doctoral degree as provided in section 32-2071 and the person is

1 participating in a postdoctoral program pursuant to section 32-2071,
2 subsection E.

3 6. A supervisee who is pursuing a postdoctoral professional experience
4 pursuant to section 32-2071, subsection E if the services or activities are
5 provided under the direct supervision of a licensed psychologist, clients are
6 informed of the training nature of the services provided and the supervisee
7 has a title that designates that person's training status.

8 B. This chapter does not limit the use of the title "psychologist" by
9 a person who possesses a doctoral degree from an educational institution as
10 provided in section 32-2071 if that person is not engaged in the practice of
11 psychology.

12 C. This chapter does not prevent a member of other recognized
13 professions that are licensed, certified or regulated under the laws of this
14 state from rendering services within ~~his~~ THAT PERSON'S scope of practice and
15 code of ethics if ~~he~~ THAT PERSON does not ~~represent himself~~ CLAIM to be a
16 psychologist.

17 Sec. 13. Section 32-2081, Arizona Revised Statutes, is amended to
18 read:

19 32-2081. Grounds for disciplinary action; duty to report;
20 immunity; proceedings; board action; notice
21 requirements; civil penalty

22 A. The board, on its own motion, may investigate evidence that appears
23 to show that a psychologist is psychologically incompetent, guilty of
24 unprofessional conduct or mentally or physically unable to safely engage in
25 the practice of psychology. A health care institution shall, and any other
26 person may, report to the board information that appears to show that a
27 psychologist is psychologically incompetent, guilty of unprofessional conduct
28 or mentally or physically unable to safely engage in the practice of
29 psychology. The board shall notify the psychologist about whom information
30 has been received as to the content of the information within one hundred
31 twenty days of receiving the information. A person who reports or provides
32 information to the board in good faith is not subject to an action for civil
33 damages. The board, if requested, shall not disclose the name of the person
34 providing information unless this information is essential to proceedings
35 conducted pursuant to this section. The board shall report a health care
36 institution that fails to report as required by this section to the
37 institution's licensing agency.

38 B. A health care institution shall inform the board when the
39 privileges of a psychologist to practice in that institution are denied,
40 revoked, suspended or limited because of actions by the psychologist that
41 appear to show that that person is psychologically incompetent, guilty of
42 unprofessional conduct or mentally or physically unable to safely engage in
43 the practice of psychology, along with a general statement of the reasons
44 that led the health care institution to take this action. A health care
45 institution shall inform the board if a psychologist under investigation

1 resigns the psychologist's privileges or if a psychologist resigns in lieu of
2 disciplinary action by the health care institution. Notification shall
3 include a general statement of the reasons for the resignation.

4 C. The board may require the licensee to undergo any combination of
5 mental, physical or psychological competence examinations at the licensee's
6 expense and shall conduct investigations necessary to determine the
7 competence and conduct of the licensee.

8 D. The chairman of the board shall appoint a complaint screening
9 committee of not less than three members of the board including a public
10 member. The complaint screening committee is subject to open meeting
11 requirements pursuant to title 38, chapter 3, article 3.1. The complaint
12 screening committee shall review all complaints, and based on the information
13 provided pursuant to subsection A or B of this section may take either of the
14 following actions:

15 1. Dismiss the complaint if the committee determines that the
16 complaint is without merit. Complaints dismissed by the complaint screening
17 committee shall not be disclosed in response to a telephone inquiry or placed
18 on the board's web site.

19 2. Refer the complaint to the full board for further review and
20 action.

21 E. If the board finds, based on the information it receives under
22 subsection A or B of this section, that the public health, safety or welfare
23 requires emergency action, the board may order a summary suspension of a
24 license pending proceedings for revocation or other action. If the board
25 issues this order, it shall serve the licensee with a written notice of
26 complaint and formal hearing pursuant to title 41, chapter 6, article 10,
27 setting forth the charges made against the licensee and the licensee's right
28 to a formal hearing before the board or an administrative law judge within
29 sixty days.

30 F. If the board finds that the information provided pursuant to
31 subsection A or B of this section is not of sufficient seriousness to merit
32 direct action against the licensee, it may take either of the following
33 actions:

34 1. Dismiss if the board believes the information is without merit.

35 2. File a letter of concern.

36 G. If the board believes the information provided pursuant to
37 subsection A or B of this section is or may be true, it may request an
38 informal interview with the psychologist. If the licensee refuses to be
39 interviewed or if pursuant to an interview the board determines that cause
40 may exist to revoke or suspend the license, it shall issue a formal complaint
41 and hold a hearing pursuant to title 41, chapter 6, article 10. If as a
42 result of an informal interview or a hearing the board determines that the
43 facts do not warrant revocation or suspension of the license, it may take any
44 of the following actions:

- 1 1. Dismiss if the board believes the information is without merit.
- 2 2. File a letter of concern.
- 3 3. Issue a decree of censure.
- 4 4. Fix a period and terms of probation best adapted to protect the
- 5 public health and safety and to rehabilitate or educate the psychologist.
- 6 Probation may include temporary suspension for not to exceed twelve months,
- 7 restriction of the license or restitution of fees to a client resulting from
- 8 violations of this chapter. If a licensee fails to comply with a term of
- 9 probation the board may file a complaint and notice of hearing pursuant to
- 10 title 41, chapter 6, article 10 and take further disciplinary action.
- 11 5. Enter into an agreement with the licensee to restrict or limit the
- 12 licensee's practice or activities in order to rehabilitate the psychologist,
- 13 protect the public and ensure the psychologist's ability to safely engage in
- 14 the practice of psychology.
- 15 H. If the board finds that the information provided pursuant to
- 16 subsection A or B of this section warrants suspension or revocation of a
- 17 license, it shall hold a hearing pursuant to title 41, chapter 6, article 10.
- 18 Notice of a complaint and hearing is fully effective by mailing a true copy
- 19 to the licensee's last known address of record in the board's files. Notice
- 20 is complete at the time of its deposit in the mail.
- 21 I. The board may impose a civil penalty of at least three hundred
- 22 dollars but not more than three thousand dollars for each violation of this
- 23 chapter or a rule adopted under this chapter. THE BOARD SHALL DEPOSIT,
- 24 PURSUANT TO SECTIONS 35-146 AND 35-147, ALL MONIES IT COLLECTS FROM CIVIL
- 25 PENALTIES PURSUANT TO THIS SUBSECTION IN THE STATE GENERAL FUND.
- 26 ~~K~~ J. If the board determines after a hearing that a licensee has
- 27 committed an act of unprofessional conduct, is mentally or physically unable
- 28 to safely engage in the practice of psychology or is psychologically
- 29 incompetent, it may do any of the following in any combination and for any
- 30 period of time it determines necessary:
- 31 1. Suspend or revoke the license.
- 32 2. Censure the licensee.
- 33 3. Place the licensee on probation.
- 34 K. A LICENSEE MAY SUBMIT A WRITTEN RESPONSE TO THE BOARD WITHIN THIRTY
- 35 DAYS AFTER RECEIVING A LETTER OF CONCERN. THE RESPONSE IS A PUBLIC DOCUMENT
- 36 AND SHALL BE PLACED IN THE LICENSEE'S FILE.
- 37 L. A letter of concern is a public document and may be used in future
- 38 disciplinary actions against a psychologist. A decree of censure is an
- 39 official action against the psychologist's license and may include a
- 40 requirement that the licensee return fees to a client.
- 41 ~~J~~ M. Except as provided in section 41-1092.08, subsection H, a
- 42 person may appeal a final decision made pursuant to this section to the
- 43 superior court pursuant to title 12, chapter 7, article 6.

1 ~~M.~~ N. If during the course of an investigation the board determines
2 that a criminal violation may have occurred involving the delivery of
3 psychological services it shall inform the appropriate criminal justice
4 agency.

5 ~~N. The board shall deposit, pursuant to sections 35-146 and 35-147,~~
6 ~~all monies it collects from civil penalties pursuant to this section in the~~
7 ~~state general fund.~~

APPROVED BY THE GOVERNOR MARCH 31, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2006.